

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

03-MDL-1570 (GBD)(SN)

In re: TERRORIST ATTACKS ON SEPTEMBER 11, 2001

DEFENDANT JELAIDAN'S THIRD STATUS REPORT

The Honorable Judge Netburn,

I've had a chance to review the Plaintiff's motion for sanctions. I need to point out a couple of things to you. First, the Executive Committee does not inform the Court that I met with Sean Carter at the hearing before your Honor, concerning Plaintiff's motion to compel further production from Dallah Avco, where I am co-counsel with Robert Kry. After you finished up your analysis that Dallah Avco should endeavor to produce some additional material, I purposefully went up to Sean who I have known for 12 years. I told him that I have made no progress on the Wael Jelaidan matter, and asked if he had any suggestions. He said that he did, and he would send me an email detailing those suggestions—I think he knows someone at OFAC. I may be mistaken, but to my knowledge, however, he never sent me a follow-up email about it.

Secondly, I've been in contact with Alan Kabat, who I think had arranged an OFAC license in connection with one of his clients. He informed me that there was an individual there by the name of Michael Will Schisa, and he had worked with him before successfully. When I tried to contact that individual, I was informed that he had left OFAC for private practice. So I recently called again and left a message to the effect that if there's somebody in that office who can assist me in the matter of Wael Jelaidan, I would love to speak with them. I have yet to hear back from anybody in that OFAC

section. Although I have been remiss in filing reports, for which I apologize, I have been making some effort to secure that license.

Third, if you don't know it, it's a secret in Washington D.C. that OFAC is one of the most dysfunctional agencies in town, and that is complicated by the fact—as reported in the Washington Post and Politico—that there are a number of positions still open at Treasury that affect the performance of the OFAC unit. The bottom line for me your Honor, is if the Executive Committee knows individuals that I can personally contact, I will follow up on that immediately. I will also make sure to file the bi-monthly reports, even if it's basically just to say we've been unable to make any progress. I hope this addresses your concerns. Again, I apologize for the lapse in reports.

Fourth, please see the attached letter that I recently sent to OFAC to follow-up on my phone call.

Respectfully Submitted,



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*Attorney for Defendant*